

REMARKS

The Applicants have amended the independent claims to recite, *inter alia*, channel of **dynamic, episodic content** and making content available for playback **notwithstanding a connection state of a personal media service**. The *Arsenault* reference concerns static, non-refreshable content, which is in direct contrast to the presently claimed dynamic, episodic content of the independent claims. Further, *Arsenault* does not disclose ‘channels’ of content. *Arsenault* is nothing more than pre-cached content, which coincides with the static nature of said content as referenced above.

The *Kloba* reference, on the other hand, is an **online, connected state-only service**. This online, connected state-only aspect likewise contrasts with the presently claimed ‘notwithstanding a connection state’ element of the independent claims. *Kloba* also fails to disclose making content ‘immediately available for playback’ as is presented through the claims of the present application. *Kloba* requires a user to always stay connected online; content, therefore, cannot be immediately available. As such, the Applicants challenge the Examiner’s assertion that the *Kloba* and *Arsenault* references—either individually or in combination—teach every element of the presently claimed invention.

The Applicants also challenge whether one of skill in the art would look to combine the *Kloba* and *Arsenault* references to arrive at the presently claimed invention. In the presently claimed invention, a user may request content not only for viewing but for mixing and creating a new personalized channel. *Arsenault*, however, does not allow for any interactivity beyond playback of content. The Applicants thus challenge the leap of logic posited by the Examiner with respect to moving from the online only services of *Kloba* and *Arsenault* to create an offline download service as may be achieved through the presently claimed invention.

CONCLUSION

The combination of *Kloba* and *Arsenault* fails to disclose (at the least) dynamic, episodic content and making content available for playback ‘notwithstanding a connection state.’ *Kloba* and *Arsenault* also fail to disclose ‘channels’ of content much less content that is ‘immediately available for playback.’

One skilled in the art, too, would not look to make the *Kloba* and *Arsenault* combination. The references cited by the Examiner are online only. One would not look to this combination to allow for making content available for offline download.

In light of the foregoing, the Applicants respectfully contend that the Examiner’s rejection has been overcome.

Respectfully submitted,
Tom Carhart et al.

October 27, 2008

By: /Tam Thanh Pham/
Tam Thanh Pham (Reg. No. 50,565)
CARR & FERRELL LLP
2200 Geng Road
Palo Alto, CA 94303
650.812.3400
650.812.3444